

ORIGINAL

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8-27-01

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED  
HARRISBURG

AUG 24 2001

MARY E. D'ANDREA, CLERK

Per [Signature]  
DEPUTY CLERK

JOHN RICHARD JAE,

Plaintiff

v.

No. 1:CV-00-0315

KENNETH D. KYLER, individually, and  
in his official capacity, et al.,

Defendants

(Judge Rambo)

(Magistrate Judge Smyser)

**DEFENDANTS' SECOND MOTION FOR ENLARGEMENT  
OF TIME TO FILE BRIEF**

Defendants respectfully request a second enlargement of time to file their brief in opposition to plaintiff's motion to compel. In support of this motion, defendants assert the following:

1. On July 19, 2001, this Court ordered defendants to file a brief in opposition to plaintiff's motion to compel on or before August 6, 2001.
2. Counsel for the defendants received copies of the motion to compel on July 23, 2001.
3. Upon defendants' request, this Court granted defendants an enlargement of time until August 24, 2001, to file the opposing brief.

4. Defendants requested the enlargement because counsel had been unable to reach the Secretary of Corrections to prepare a declaration in support of defendants' claim of government privilege.

5. Due to conflicts in schedule, counsel was still not able to obtain the Secretary's signature on the declaration. The Secretary, however, is available on Monday, August 27, 2001.

6. Accordingly, defendants seek an enlargement of time of one working day or until August 27, 2001, to file a brief in opposition to plaintiff's motion to compel.

WHEREFORE, defendants respectfully request an enlargement of time of one working day or until August 27, 2001, to file their brief in opposition to plaintiffs motion to compel.

Respectfully submitted,

**D. MICHAEL FISHER**  
Attorney General

BY:   
**MICHAEL L. HARVEY**  
Senior Deputy Attorney General

**SUSAN J. FORNEY**  
Chief Deputy Attorney General  
Litigation Section

**Office of Attorney General**  
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Harrisburg, PA 17120  
Direct: (717) 787-7369  
Date: August 24, 2001

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Plaintiff

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No. 1:CV-00-0315

(Judge Rambo)

(Magistrate Judge Smyser)

CERTIFICATE OF SERVICE

I, **Michael L. Harvey**, Senior Deputy Attorney General, hereby  
certify that on this date I caused to be served the foregoing, **Defendants' Second  
Motion for Enlargement of Time to File Brief**, by depositing a copy of the  
same in the United States Mail, postage prepaid, in Harrisburg, Pa., addressed to  
the following:

**John Richard Jae, BQ-3219  
SCI-Greene  
175 Progress Drive  
Waynesburg, PA 15370-2902**

  
\_\_\_\_\_  
**MICHAEL L. HARVEY**

**Senior Deputy Attorney General**

**DATE: August 24, 2001**